

Exhibit 1

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Attorneys for Plaintiff
ORACLE AMERICA, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,
Plaintiff,
v.
GOOGLE INC.,
Defendant.

Case No. CV 10-03561 WHA
**ORACLE'S SUPPLEMENTAL RULE
26(a)(2)(C) DISCLOSURE**
Dept. Courtroom 8, 19th Fl.
Judge: Hon. William Alsup

1 Pursuant to Federal Rule of Civil Procedure 26(a)(2)(C), Plaintiff Oracle America, Inc.
2 (“Oracle”) hereby discloses the subject matter on which certain of Oracle’s employees and
3 former employees may present testimony that may be deemed to fall under Federal Rules of
4 Evidence 702, 703, or 705, and a summary of the facts and opinions as to which the witnesses
5 may testify.

6 By providing these disclosures, Oracle does not concede that any of the subject matter
7 disclosed below necessarily falls under Federal Rules of Evidence 702, 703, or 705, and does not
8 commit that these witnesses will in fact testify at the trial in this matter on these or other topics
9 within their personal knowledge. Oracle makes these disclosures out of an abundance of caution
10 in light of the Court’s approach to Rule 26(a)(2)(C) disclosures in the previous trial in this matter
11 (*see* Transcript at 389-391) and in addition to its prior disclosures pursuant to Federal Rule of
12 Civil Procedure Rule 26(a) and the testimony of record in this matter.

13 1. **Edward Screven**: Mr. Screven is a current Oracle employee who, as Oracle’s
14 Chief Corporate Architect, may present testimony on the composition, structure, and function of
15 components of the Java platform, including the Java language, the Java APIs, and the Java
16 virtual machine. Mr. Screven may testify that the Java language can be used without some or all
17 of the 37 Java API packages and may provide an opinion that some or all of the 37 Java API
18 packages are not part of and not necessary for the Java language. Mr. Screven may also present
19 testimony regarding API design, including that API design is a creative exercise and that well-
20 designed APIs are desirable. He may testify that the 37 Java API packages at issue are creative
21 and well-designed. He may testify as to the virtues of Java, the reasons for its success and
22 developer demand for and familiarity with Java APIs. He may testify that Java’s “write once,
23 run anywhere” principle is critical to its value. Mr. Screven may also present testimony
24 regarding compatibility across Java editions and Android’s incompatibility with Java. Mr.
25 Screven may also present testimony regarding the Sun Microsystems, Inc. (“Sun”) acquisition
26 and the value of Java at the time of the Sun acquisition and the importance of Java to Oracle’s
27 business. Mr. Screven may also present testimony regarding fragmentation and forking, what
28 constitutes fragmentation and forking, Android’s fragmentation and forking of Java, and that

1 Android's fragmentation and forking of Java have harmed Java. He may also testify regarding
2 Oracle's plans to expand in the mobile phone market. He may testify that the rise of Android
3 negatively impacted the mobile phone market for Oracle. Mr. Screven may also testify regarding
4 Oracle's investment in Java and Java's importance. Mr. Screven may also present testimony
5 regarding Java licensing and, if necessary for rebuttal, Mr. Screven may testify regarding
6 Oracle's strategy for enforcement of its rights with respect to GNU Classpath and regarding
7 Apache Harmony and the reasons why Sun and later Oracle expected that the industry would not
8 widely adopt open source Java for commercial implementations given the requirements
9 associated with using the necessary license.

10 2. **Mark Reinhold**: Dr. Reinhold is a current Oracle employee who, as Chief
11 Architect of the Java Platform Group at Oracle (and before that at Sun), may present testimony
12 on the history of the Java platform, including Java SE and ME and the relationship between ME
13 and SE, and on the composition, structure, and function of components of the Java platform,
14 including the Java language, the Java APIs, and the Java virtual machine. Dr. Reinhold may
15 testify about the technical capabilities of the Java platform, including the types of devices on
16 which the Java platform, including Java SE and ME, can run. Dr. Reinhold may also present
17 testimony on Java API structure, design, and functional aspects, including the relationship
18 between implementing code and declaring code in the Java platform. He may testify that
19 designing APIs is a creative process, about the choices made during that process, and about what
20 an API is generally and how it works. Dr. Reinhold may also offer testimony regarding the
21 packages, classes, methods and interfaces and their roles within an API and the Java APIs
22 specifically. Dr. Reinhold may testify regarding the structure, sequence, and organization (the
23 "SSO") of the Java API packages and the significance and importance of the SSO. And he may
24 testify specifically regarding the SSO and declaring code copied by Google and that what was
25 copied was an important part of Java. He may testify that the code Google took does the same
26 thing in Android as it does in Java. Dr. Reinhold may also present testimony regarding
27 compatibility across Java editions, the meaning and importance of Java's "write once, run
28 anywhere" principle, and Android's incompatibility with Java. Dr. Reinhold may also testify

1 that the Java language can be used without some or all of the 37 Java API packages and may
2 provide an opinion that some or all of the 37 Java API packages are not part of and not necessary
3 for the Java language. Specifically, Dr. Reinhold may testify that of the 61 classes listed in TX
4 1062, only the declaring code and related SSO listed in the table attached as **Exhibit A** is subject
5 to a technical constraint imposed by the Java Language Specification (3rd Ed.) (“JLS”) and that
6 copied declaring code and SSO not listed in the table are not subject to a technical constraint
7 imposed by the JLS. Dr. Reinhold may also present testimony regarding the advantages of Java
8 as compared to other programming environments or platforms and may address stability of the
9 Java platform, the length of time needed to establish stability in a software platform such as Java,
10 and the reasons why Java was so popular and attractive to developers. Dr. Reinhold may also
11 present testimony regarding the value and quality of the 37 Java API packages and Oracle’s
12 investment in Java and its importance. Dr. Reinhold may testify about TCK testing, what it is,
13 what is required to satisfy the TCK test and whether Android has done or could do so. Dr.
14 Reinhold may testify that Android cannot and has not passed the TCK. Dr. Reinhold may also
15 testify about the Java Specification Request (“JSR”) process and the Java Community Process
16 (“JCP”) for development of Java-related specifications. Dr. Reinhold may also testify about the
17 copyright notices contained in the source code for the Java platform and the source code related
18 to Java copyright applications and registrations.

19 3. **Thomas Kurian**: Mr. Kurian is a current Oracle employee who, as President of
20 Product Development, may present testimony regarding Java history and Oracle’s use of Java,
21 including Oracle’s licensing of Java from Sun before the acquisition. Mr. Kurian may testify
22 about the value of Java, that Java APIs are creative and that they attract developers. Mr. Kurian
23 may testify about compatibility across Java editions and Android’s incompatibility with Java,
24 including what would be required, from a technical standpoint, to make Android compatible with
25 Java. Mr. Kurian may testify about TCK testing, what it is, what is required to satisfy the TCK
26 test, and whether Android has done or could do so. Mr. Kurian may also present testimony
27 regarding fragmentation and forking of Java, including testimony that Android’s fragmentation
28 and forking of Java has harmed Java. Mr. Kurian may also present testimony regarding Java

1 licensing. Mr. Kurian may also testify about the uses of Java by third parties in various products,
 2 including for example, BluRay DVD players, TVs, appliances and other electronics, as well as
 3 how Android has harmed Java in those markets and others. Mr. Kurian may also testify
 4 regarding Oracle's investment in Java and its importance. If necessary for rebuttal, Mr. Kurian
 5 may also present testimony on why open source Java was not a viable option for Google at the
 6 time it developed Android and Oracle's strategy for enforcement of its rights with respect to
 7 GNU Classpath. If necessary for rebuttal, Mr. Kurian may also present testimony regarding the
 8 licensing dispute over Apache Harmony and the reasons why Sun and later Oracle expected that
 9 the industry would not widely adopt open source Java for commercial implementations given the
 10 contractual requirements associated with using the necessary license.

11 4. **Henrik Stahl**: Mr. Stahl is a current Oracle employee who, as Vice President of
 12 Product Management, may present testimony regarding the market for Java before the
 13 introduction of Android and the current markets for Java-based products, including the market
 14 for mobile phones and other markets, such as markets for Internet of Things, TVs, wearables,
 15 and cars, as examples. Mr. Stahl may also testify about competition in the marketplace for Java.
 16 Mr. Stahl may also present testimony regarding the impact of Android on actual or potential
 17 markets for Java and the harm caused to the market for Java by Android.

18 Mr. Stahl may also testify that:

- 19 - Sun and Oracle were successful with Java in the feature phone market.
- 20 - Sun and Oracle licensed Java to several customers in both the feature phone and
- 21 smart phone markets, such as Samsung, LG, Nokia, Blackberry/RIM, and Danger.
- 22 *See, e.g.,* Ringhofer Dep. Ex. 1344, attached hereto as **Exhibit B**; Oracle's First
- 23 Supplemental Responses and Objections to Google's Seventh Set of Interrogatories,
- 24 dated December 16, 2015, attached hereto as **Exhibit C**; Exhibit 22 to the Expert
- 25 Report of Adam Jaffe, Ph.D., dated February 8, 2016, attached hereto as **Exhibit D**.
- 26 - Competition with Android has harmed and continues to harm Java in the mobile
- 27 phone market, including by causing the loss of Java customers who decided to move
- 28 to Android, and that due to Android, Java was pushed out of the mobile phone

market. *See, e.g.*, Ringhofer Dep. Ex. 1344, attached hereto as **Exhibit B**; Oracle's First Supplemental Responses and Objections to Google's Seventh Set of Interrogatories, dated December 16, 2015, attached hereto as **Exhibit C**; Exhibit 22 to the Expert Report of Adam Jaffe, Ph.D., dated February 8, 2016, attached hereto as **Exhibit D**.

- Competition with Android has also harmed and continues to harm other actual and potential markets for Java, including tablets/e-readers (such as the Amazon Kindle), the Internet of Things, TVs, wearables, and cars. *See, e.g.*, Ringhofer Dep. Ex. 1344, attached hereto as **Exhibit B**; Oracle's First Supplemental Responses and Objections to Google's Seventh Set of Interrogatories, dated December 16, 2015, attached hereto as **Exhibit C**; Exhibit 22 to the Expert Report of Adam Jaffe, Ph.D., dated February 8, 2016, attached hereto as **Exhibit D**.
- The processing power of mobile phones and other small devices increased rapidly with the evolution of the hardware for those devices. This created more opportunities for licensing Java ME and SE in a wide variety of devices. Android substantially impacted that market.
- The rise of Android has further harmed Java and the market for Java because Android is incompatible with Java and creates fragmentation and division within the community of Java developers that did not exist prior to Android.
- The rise of Android has undermined Java's "write once, run anywhere" principle.

5. **Donald Smith**: Mr. Smith is a current Oracle employee who, as Senior Director of Product Management, may present testimony regarding Java product management, Java licensing, the markets for Java-based products, including the market for mobile phones and other markets, such as markets for the Internet of Things, TVs, wearables, and cars, as examples, and competition in the marketplace for Java. Mr. Smith may also present testimony regarding the impact of Android on actual or potential markets for Java and the harm caused to the market for Java by Android. Mr. Smith may testify that:

- Sun and Oracle were successful with Java in the feature phone market.

- 1 - Sun and Oracle licensed Java to several customers in both the feature phone and
2 smart phone markets, such as Samsung, LG, Nokia, Blackberry/RIM, and Danger.
3 *See, e.g.,* Ringhofer Dep. Ex. 1344, attached hereto as **Exhibit B**; Oracle's First
4 Supplemental Responses and Objections to Google's Seventh Set of Interrogatories,
5 dated December 16, 2015, attached hereto as **Exhibit C**; Exhibit 22 to the Expert
6 Report of Adam Jaffe, Ph.D., dated February 8, 2016, attached hereto as **Exhibit D**.
- 7 - Competition with Android has harmed and continues to harm Java in the mobile
8 phone market, including by causing the loss of Java customers who decided to move
9 to Android, and that due to Android, Java was pushed out of the mobile phone
10 market. *See, e.g.,* Ringhofer Dep. Ex. 1344, attached hereto as **Exhibit B**; Oracle's
11 First Supplemental Responses and Objections to Google's Seventh Set of
12 Interrogatories, dated December 16, 2015, attached hereto as **Exhibit C**; Exhibit 22 to
13 the Expert Report of Adam Jaffe, Ph.D., dated February 8, 2016, attached hereto as
14 **Exhibit D**.
- 15 - Competition with Android has also harmed and continues to harm other actual and
16 potential markets for Java, including tablets/e-readers (such as the Amazon Kindle),
17 the Internet of Things, TVs, wearables, and cars. *See, e.g.,* Ringhofer Dep. Ex. 1344,
18 attached hereto as **Exhibit B**; Oracle's First Supplemental Responses and Objections
19 to Google's Seventh Set of Interrogatories, dated December 16, 2015, attached hereto
20 as **Exhibit C**; Exhibit 22 to the Expert Report of Adam Jaffe, Ph.D., dated February
21 8, 2016, attached hereto as **Exhibit D**.
- 22 - The processing power of mobile phones and other small devices increased rapidly
23 with the evolution of the hardware for those devices. This created more opportunities
24 for licensing Java ME and SE in a wide variety of devices. Android substantially
25 impacted that market.
- 26 - The rise of Android has further harmed Java and the market for Java because Android
27 is incompatible with Java and creates fragmentation and division within the
28 community of Java developers that did not exist prior to Android.

- Java customers have used the threat of moving to Android as leverage during negotiations with Oracle.

6. **Mike Ringhofer**: Mr. Ringhofer is a current Oracle employee who, as Vice President of the Worldwide Java Business with a team of over 100 people, may present testimony regarding Java sales, Java licensing and licensing enforcement, the markets for Java-based products, including the market for mobile phones and other markets, such as markets for the Internet of Things, TVs, wearables, and cars, as examples, and competition in the marketplace for Java. Mr. Ringhofer may also present testimony regarding the impact of Android on actual or potential markets for Java and the harm caused to the market for Java by Android. Mr. Ringhofer may testify that:

- Sun and Oracle were successful with Java in the feature phone market.
- Sun and Oracle licensed Java to several customers in both the feature phone and smart phone markets, such as Samsung, LG, Nokia, Blackberry/RIM, and Danger. *See, e.g.,* Ringhofer Dep. Ex. 1344, attached hereto as **Exhibit B**; Oracle's First Supplemental Responses and Objections to Google's Seventh Set of Interrogatories, dated December 16, 2015, attached hereto as **Exhibit C**; Exhibit 22 to the Expert Report of Adam Jaffe, Ph.D., dated February 8, 2016, attached hereto as **Exhibit D**.
- Competition with Android has harmed and continues to harm Java in the mobile phone market, including by causing the loss of Java customers who decided to move to Android, and that due to Android, Java was pushed out of the mobile phone market. *See, e.g.,* Ringhofer Dep. Ex. 1344, attached hereto as **Exhibit B**; Oracle's First Supplemental Responses and Objections to Google's Seventh Set of Interrogatories, dated December 16, 2015, attached hereto as **Exhibit C**; Exhibit 22 to the Expert Report of Adam Jaffe, Ph.D., dated February 8, 2016, attached hereto as **Exhibit D**.
- Competition with Android has also harmed and continues to harm other actual and potential markets for Java, including tablets/e-readers (such as the Amazon Kindle), the Internet of Things, TVs, wearables, and cars. *See, e.g.,* Ringhofer Dep. Ex. 1344,

1 attached hereto as **Exhibit B**; Oracle's First Supplemental Responses and Objections
2 to Google's Seventh Set of Interrogatories, dated December 16, 2015, attached hereto
3 as **Exhibit C**; Exhibit 22 to the Expert Report of Adam Jaffe, Ph.D., dated February
4 8, 2016, attached hereto as **Exhibit D**.

- 5 - The processing power of mobile phones and other small devices increased rapidly
6 with the evolution of the hardware for those devices. This created more opportunities
7 for licensing Java ME and SE in a wide variety of devices. Android substantially
8 impacted that market.
- 9 - The rise of Android has further harmed Java and the market for Java because Android
10 is incompatible with Java and creates fragmentation and division within the
11 community of Java developers that did not exist prior to Android.
- 12 - Java customers have used the threat of moving to Android as leverage during
13 negotiations with Oracle.
- 14 - The rise of Android has further harmed the market for Java because Google's use of
15 Java without a license has caused other actual and potential Java customers to think
16 that they can do the same.
- 17 - Google's success with Android was in large part due to the strength of the market for
18 Java.

19 7. **Georges Saab**: Mr. Saab is a current Oracle employee who, as Vice President,
20 Software Development of the Java Platform Group, may present testimony regarding the
21 development of Java, including the composition, structure and function of components of the
22 Java platform, including the Java language, the Java APIs, and the virtual machine, and the
23 relationship between Java SE and Java ME. He may testify that API design is a creative process
24 and that well-designed APIs are desirable. Mr. Saab may also present testimony regarding Java
25 marketing, the markets for Java-based products, including the market for mobile phones and new
26 markets such as the Internet of Things, TVs, wearables, and cars, as examples, and competition
27 in the marketplace for Java. Mr. Saab may also present testimony regarding the impact of
28 Android on actual or potential markets for Java and the harm caused to the market for Java by

1 Android. Mr. Saab may also testify regarding Oracle's investment in Java and its importance.

2 Mr. Saab may testify that:

- 3 - Sun and Oracle were successful with Java in the feature phone market.
- 4 - Sun and Oracle licensed Java to several customers in both the feature phone and
5 smart phone markets, such as Samsung, LG, Nokia, Blackberry/RIM, and Danger.
6 *See, e.g.,* Ringhofer Dep. Ex. 1344, attached hereto as **Exhibit B**; Oracle's First
7 Supplemental Responses and Objections to Google's Seventh Set of Interrogatories,
8 dated December 16, 2015, attached hereto as **Exhibit C**; Exhibit 22 to the Expert
9 Report of Adam Jaffe, Ph.D., dated February 8, 2016, attached hereto as **Exhibit D**.
- 10 - Competition with Android has harmed and continues to harm Java in the mobile
11 phone market, including by causing the loss of Java customers who decided to move
12 to Android, and that due to Android, Java was pushed out of the mobile phone
13 market. *See, e.g.,* Ringhofer Dep. Ex. 1344, attached hereto as **Exhibit B**; Oracle's
14 First Supplemental Responses and Objections to Google's Seventh Set of
15 Interrogatories, dated December 16, 2015, attached hereto as **Exhibit C**; Exhibit 22 to
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17 **Exhibit D**.
- 18 - Competition with Android has also harmed and continues to harm other actual and
19 potential markets for Java, including tablets/e-readers (such as the Amazon Kindle),
20 the Internet of Things, TVs, wearables, and cars. *See, e.g.,* Ringhofer Dep. Ex. 1344,
21 attached hereto as **Exhibit B**; Oracle's First Supplemental Responses and Objections
22 to Google's Seventh Set of Interrogatories, dated December 16, 2015, attached hereto
23 as **Exhibit C**; Exhibit 22 to the Expert Report of Adam Jaffe, Ph.D., dated February
24 8, 2016, attached hereto as **Exhibit D**.
- 25 - The processing power of mobile phones and other small devices increased rapidly
26 with the evolution of the hardware for those devices. This created more opportunities
27 for licensing Java ME and SE in a wide variety of devices. Android substantially
28 impacted that market.

- The rise of Android has further harmed Java and the market for Java because Android is incompatible with Java and creates fragmentation and division within the community of Java developers that did not exist prior to Android.
- The rise of Android has undermined Java's "write once, run anywhere" principle.

8. **Mark Wayne**: Mr. Wayne is a current Oracle employee who, as Managing Counsel, may present testimony regarding Java licensing and the market for Java from a licensing perspective. Mr. Wayne may testify that there are various licenses available for Java, describe those licenses, and explain the terms and restrictions that apply to each type of license. Mr. Wayne may present testimony regarding how Oracle customers use different types of Java licenses in connection with their businesses. He may also present testimony regarding how Oracle addresses out-of-compliance licensees.

9. **Scott McNealy**: Mr. McNealy is the co-founder of Sun who may present testimony on the history of Java, including Java SE and ME and the relationship between SE and ME, and on the composition, structure, and function of components of the Java platform, including the Java language, the Java APIs, and the Java virtual machine. Mr. McNealy may also present testimony on Java API structure, design, and function, including the relationship between implementing code and declaring code in the Java platform. He may testify about the nature of the Java APIs, that designing APIs is a creative process, and about the choices made during that process. He may also testify that Java API packages are elegant and attract developers. He may testify as to what an API is generally and how it works. Mr. McNealy may also offer testimony regarding packages, classes, methods and interfaces and their roles within an API and the Java APIs specifically. Mr. McNealy may testify regarding the structure, sequence, and organization (the "SSO") of the Java API packages, and the significance and importance of the SSO, and he may testify specifically regarding the SSO and declaring code copied by Google and testify that what Google took is an important part of Java. Mr. McNealy may testify about the licenses offered by Oracle for Java and the importance of the "write once, run anywhere" principle. Mr. McNealy may also present testimony regarding compatibility across Java editions. Mr. McNealy may testify to the incompatibility of Android with Java and the harm

1 Android's incompatibility with Java has inflicted on Java, and Android's effect on the "write
2 once, run anywhere" principle. Mr. McNealy may address stability of the Java platform, the
3 length of time needed to establish stability in a software platform such as Java, and the reasons
4 why Java was so popular and attractive to developers.

5 10. **Alan Brenner:** Mr. Brenner is a former Sun employee who, as former Senior
6 Vice President of the Client Systems Group at Sun, may testify about the history of Java and on
7 the composition, structure, and function of components of the Java platform, including the Java
8 language, the Java APIs, and the Java virtual machine. He may testify about Java ME and Java
9 SE, their evolution, their relationship, and their use on handheld and small devices. Mr. Brenner
10 may testify about the evolution of hardware, enabling smaller devices to run software, such as
11 SE, originally designed for larger devices and servers. He may testify that the Java language can
12 be used without some or all of the 37 Java API packages and provide an opinion that some or all
13 of the 37 Java API packages are not part of and not necessary for the Java language. Mr.
14 Brenner may also present testimony regarding the markets for Java-based products, including the
15 market for mobile phones, Sun's relationships and agreements with phone manufacturers and
16 carriers for Java and competition in the marketplace for Java. Mr. Brenner may testify that Java
17 was dominating the mobile phone market when he was at Sun. Mr. Brenner may also present
18 testimony regarding the impact of Android on the actual and potential markets for Java, and may
19 testify that Android harmed the market for Java, including the mobile phone market. Mr.
20 Brenner may also testify regarding Sun's investment in Java and its importance. Mr. Brenner
21 may also testify about Sun's licensing of the Java Platform, and if necessary for rebuttal, may
22 testify regarding Sun's view, at the time Mr. Brenner was employed at Sun, that no commercial
23 user would be interested in open source Java given the contractual requirements associated with
24 using the required license.

1 Dated: February 29, 2016

KAREN G. JOHNSON-MCKEWAN
ANNETTE L. HURST
GABRIEL M. RAMSEY
PETER A. BICKS
LISA T. SIMPSON
Orrick, Herrington & Sutcliffe LLP

2 By: Lisa T. Simpson
3 LISA T. SIMPSON
4 Attorneys for Plaintiff
5 ORACLE AMERICA, INC.
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PROOF OF SERVICE

I am over the age of eighteen years and not a party to the within-entitled action. My business address is Orrick, Herrington & Sutcliffe LLP, 2050 Main Street, Suite 1100, Irvine, CA 92614-8255. On February 29, 2016, I served the following document(s):

ORACLE'S SUPPLEMENTAL RULE 26(a)(2)(C) DISCLOSURES

on the interested parties in this action by electronic service [Fed. Rule Civ. Proc. 5(b)] by electronically mailing a true and correct copy, pursuant to Google's counsel's email dated August 24, 2015, to the following listserv:

DALVIK-KVN@kvn.com

I declare under penalty of perjury under the laws of the State of California and the United States that the above is true and correct.

Executed on February 29, 2016 at Laguna Beach, CA.

Christina Von der Ahe Rayburn
Christina Von der Ahe Rayburn